

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 EB-07 COME-00 INT-05 L-03 FEA-01

ACDA-10 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-02 DLOS-06 DODE-00 DOTE-00 EPA-04 ERDA-07 FMC-02

TRSE-00 H-02 INR-07 IO-13 JUSE-00 NSAE-00 NSC-05

NSF-02 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

SAL-01 /143 W

-----171033Z 063548 /20

R 170908Z JAN 77

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 6021

INFO AMEMBASSY COPENHAGEN

UNCLAS WARSAW 0325

COPENHAGEN FOR RFA

E.O. 11652: N/A

TAGS: EFIS, PL

SUBJECT: ISSUES INVOLVING COMMERCIAL FISHING VENTURES WITH POLAND

REF: (A) STATE 298381, (B) MADRID 9211

1. WE HAVE RECEIVED A LETTER FROM DIRECTOR ANDERS OF THE MINISTRY OF FOREIGN TRADE REFERRING TO CONVERSATIONS HELD WITH THE US DELEGATION AT THE ICNAF MEETING IN TENERIFE AND REQUESTING CLARIFICATION " AS TO WHETHER U.S. REGULATIONS PERMIT TRANSFERS OF FISH FROM AMERICAN TO FOREIGN VESSELS WITHIN THE TERRITORIAL SEA AND EXTENDED FISHERY ZONE OF THE UNITED STATES." THE LETTER ASKS HOW THIS MATTER WILL BE TREATED WITHIN THE 200-MILE U.S. FISHERY MANAGEMENT AND CONSERVATION ZONE, WHETHER THESE QUESTIONS ARE GOVERNED BY FEDERAL OR STATE LAW, AND WHETHER THE REGIONAL FISHERY COUNCILS CAN MAKE DECISIONS IN THIS FIELD.

2. IN ABSENCE FOR ANDERS, EMBOFF CALLED FISHERIES

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OFFICER KIERZKOWSKI AT MFT AND REVIEWED SUBSTANCE OF GUIDANCE PROVIDED IN REF A, PARTICULARLY THAT THE ADVICE OF A PRIVATE LAWYER SHOULD BE SOUGHT IN CONNECTION WITH A SPECIFIC PROPOSAL FOR A BUSINESS VENTURE. KIERZKOWSKI REPLIED THAT THE MINISTRY WISHED TO BE OFFICIALLY ADVISED "AS THOROUGHLY AS POSSIBLE" IN VIEW OF THE RESPONSIBILITIES ASSUMED BY THE POLISH GOVERNMENT

IN OUR BILATERAL FISHERIES AGREEMENT. KIERZKOWSKI WAS UNWARE WHETHER POLISH FIRMS HAD DISCUSSED THIS QUESTION WITH U.S. LAWYERS OR TO WHAT EXTENT JOINT VENTURE DISCUSSIONS HAD PROGRESSED WITH U.S. FIRMS. HE AGREED TO TRY TO FIND OUT THIS INFORMATION AND TO ADVISE THE EMBASSY IN THE NEAR FUTURE. IN ADDITION TO THE SPECIFIC QUESTIONS ON U.S. REGULATIONS RAISED IN REF B, KIERZKOWSKI ALSO WONDERED IF THE LAW VARIED DEPENDING UPON WHETHER OR NOT THE TRANSFER TOOK PLACE WITHIN THE 3-MILE TERRITORIAL SEA.

3. EMBOFF TOLD KIERZKOWSKI THAT FEDERAL, AS OPPOSED TO STATE, LAW WOULD GOVERN CUSTOMS QUESTIONS, BUT THAT WE WOULD ASK FOR AN ANSWER FROM THE DEPARTMENT ON THIS QUESTION AND ON THE ROLE OF THE REGIONAL COMMISSIONS. BROWN

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
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Litigation History:
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